

1905-015
Lee Co.

Chancery Causes: William L. Allen vs. Joseph Earnest Waddle

Stewart

CA-Contract Dispute
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit court
for Lee County, Virginia:

Your orator William L. Allen, humbly complaining, would show unto your honor, that about the year 1884 he bought from one John Stewart eight acres of land situated and being in Lee County, Virginia, and in the Crab Orchard on the waters of Jones' creek, and adjoining the land of William Stewart, W. L. Allen, and William R. Robbins; that he paid all of the purchase money on said land amounting to \$15.00, and took possession of said land immediately, and has held it in continual, open, exclusive, notorious and adverse possession from that day to the present time, claiming and using it as his own, but at the time said land was purchased your orator received no deed from the said John Stewart for the same, and shortly after the said purchase was made, and before the said John Stewart executed unto your orator a deed of conveyance for said land, the said John Stewart died intestate, leaving two children and heirs at law, a son and a daughter. The son, whose name is, _____ has conveyed unto your orator his undivided one-half interest in and to said tract of land. The daughter, whose name was Mary Stewart, the other heir at law, intermarried with one Samuel Waddle, to whom was born one son, Joseph Ernest Waddle. The said Mary Waddle is dead and Joseph Ernest Waddle is her only heir at law, and who is an infant and unable in law to make your orator a deed of conveyance for the other undivided one-half interest in said eight acres of land.

Your orator therefore, being remediless save in a court of Equity prays that the said Joseph Ernest Waddle, infant as aforesaid, be made party defendant to this suit; that he be required to answer this bill by a proper Guardian Ad Litem appointed by said court, but said answer need not be under oath, that being expressly waived; that process issue, and that upon a final hearing of this cause the said Joseph Ernest Waddle be required to convey unto

(2)

your orator his undivided one-half interest in said eight acres of land, or that a commissioner of the court be appointed to convey for him, the said infant, his undivided one-half interest in said land; and that such other, further and general relief be granted your orator as the justice and equity of the cause demands, and he will ever pray &c.

Or & Vacl. p. 95

Wm L Allen
vs Bill in Chancery.
Joseph Earnest Waddell

1905 1st May Rules

Bill filed and Ans.
of S.A.W. filed

" 2nd May Rules
Cause set for hear-
ing.

Order Final Sept.
Term 1905-

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF Joseph Ernest Waddle

infant under the age of twenty-one years, by M. H. Ely
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by Wm L. Allen and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that he is infant of
tender years, and by reason of such disability is incapable of understanding, or of
taking care of his rights and interests, he therefore commends the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to his prejudice.

And having answered, the respondent pray 1 to be hence dismissed with his
reasonable costs, in this behalf expended; and he will ever pray, &c.

M. H. Ely

Guardian *ad litem*.

p. d.

County
OF
Lee

ss.

This day, M. H. Ely, whose name is signed to
the foregoing answer, personally appeared before me, H. C. Z. Ewing deputy
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 18th day of April 1905

H. C. Z. Ewing Clerk.
By M. E. Harvey D.C.

Joseph E. Waddle -

adv. } ANSWER
OF
INFANT DEFENDANT.

Wm L. Allen -

Filed 1st May R. 1905 -
H. E. T. Ewing Clerk.
By M. C. Ransom D.C.

S. A. L. Fu 75⁰⁰

W. L. Allen,

vs.

Joseph Earnest Wadell,

Plaintiff.

Defendants.

In Chancery.

This cause came on again to be heard upon the papers ^{Cause} formerly read in the cause, and the report of J. C. Noel this day filed in the cause, and the deed therewith to the plaintiff for the interest if the defendant in the tract of land in the bill mentioned and the said report being unexcepted to, it is adjudged, ordered and decreed that the said report and the said deed therewith be and they are hereby confirmed. And that the said Wm. L. Allen have leave to withdraw said deed from the papers of this cause for recordation, and that he pay to the said J. C. Noel, Commissioner as aforesaid, the sum of \$5.00 for making said deed, for which execution may issue. And nothing further remaining to be done in this cause the same is stricken from the docket.

Wm L Allen
vs { Decree Final
13 Joseph Earnest. Woodlee.

Entered in C. O. B.
8, page 83-

Enter this decree.
~~for as same~~

Sept 26th 1905.

William L. Allen,

Plaintiff.

vs.

In Chancery

Joseph Ernest Waddle,

defendants.

This cause came on to be heard upon the bill of the plaintiff, the answer of ^{the} infant defendants by M. G. Ely, ^{his} ~~their~~ guardian ad litem, and replication thereto, and the cause regularly matured at rules and set for hearing by the plaintiff, and was argued by counsel.

On consideration thereof and it appearing to the court that the plaintiff is entitled to a conveyance of the interest of the defendants in the tract of land in the bill mentioned and that said defendant is a minor under the age of twenty-one ^{years}, it is adjudged, ordered and decreed that J. C. Noel, who is appointed by a commissioner for that purpose, do convey a proper deed with covenants of special warranty only, to the plaintiff, the undivided interest of the defendant in the tract of land in the bill mentioned, said commissioner will report his action to the next term of the court, and the cause is continued.

Mr L Allen
v/s Decree to 1.
Joseph Earnest Waddle

Entered in C.B.
No. 8 - p - 28 -

Enter this decree.

H. W. Sherr

May 16 1905.

VIRGINIA--

At a Circuit Court continued and held for Lee County at the Court-house thereof, on Tuesday the 16th day of May, 1905.

Wm. L. Allen,

Plff.

vs. In Chancery

Joseph Ernest Waddle,

Deft.

This Cause came on to be heard upon the bill of the plaintiff the answer of the infant defendant by M. G. Ely, his guardian ad litem, and replication thereto, and the cause regularly matured at rules and set for hearing by the plaintiff, and was argued by counsel.

On Consideration thereof, and it appearing to the Court that the plaintiff is entitled to a conveyance of the interest of the defendant in the tract of land in the bill mentioned and that said defendant is a minor under the age of twenty-one years, it is adjudged ordered and decreed that J. C. Noel, who is appointed a Commissioner for the purpose, do convey by a proper deed with covenants of Special Warranty, only to the plaintiff, the undivided interest of the defendant, in the tract of land in the bill mentioned, said Commissioner will report his action to the next term of this Court and the cause is continued.

A Copy-Teste:

J. H. T. Tenny Clerk.

Wm. L. Allen
vs. Duesee
Jno. E. Waddle

clerk ~~Blx~~
executed by delivering
to within three to
J. C. Noel,
M. D. Denny A. S.
for P. M. Ball
S. L. C.

Copy

J. C. Noel.

VIRGINIA--

At a Circuit Court continued and held for Lee County at the Court-house thereof, on Tuesday the 16th day of May, 1905.

Wm. L. Allen,

Plff.

vs. In Chancery

Joseph Ernest Waddle,

Deft.

This Cause came on to be heard upon the bill of the plaintiff the answer of the infant defendant by M. G. Ely, his guardian ad litem, and replication thereto, and the cause regularly matured at rules and set for hearing by the plaintiff, and was argued by counsel.

On Consideration thereof, and it appearing to the Court that the plaintiff is entitled to a conveyance of the interest of the defendant in the tract of land in the bill mentioned and that said defendant is a minor under the age of twenty-one years, it is adjudged ordered and decreed that J. C. Noel, who is appointed a Commissioner for the purpose, do convey by a proper deed with covenants of Special Warranty, only to the plaintiff, the undivided interest of the defendant, in the tract of land in the bill mentioned, said Commissioner will report his action to the next term of this Court and the cause is continued.

A Copy-Teste:

H. T. Ewing, Clerk.

Wm. L. Allen

vs. Deere

Jno. E. Huddle

Copy ~~5~~ 40

Clerk.

W. L. Allen,

Plaintiff.

vs.

Joseph Earnest Wadell,

Defendant.

The undersigned commissioner in this cause respectfully reports that pursuant to the decree entered therein on the 16th day of May, 1905, he has made and executed to the said Wm. L. Allen a deed, with covenants of special warranty, as in said decree direct, for the interest of the said defendants in the tract of land in the bill and proceedings mentioned, which deed is herewith filed as part hereof marked "Deed".

J. C. Veal

COMMISSIONER.

Wm L Allen
vs. Caus Noel's Report
Joseph Earnest Waddle.

Filed Sept 26" 1905.

H. T. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Joseph Ernest Waddle

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *him*

in our said Court by H^m L. Allen

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *11th*

day of *April*, 190*5*, and *29th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Wm L. Allen

VS

}

SUBPŒNA
IN
CHANCERY.

Joseph E. Haddle

On & Hold p. q

To

1st May

Rules.

Lee Circuit

Court.

1905